

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 24, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B117990 People v. Vasquez  
B137729 Kwong et al. v. Lai et al  
B139353 People v. Gallegos  
B139817 People v. Gilliam  
B149668 In re Gilliam on Habeas Corpus  
B139901 People v. Batts & McCrea  
B141030 People v. Riley  
B141835 In re Marriage of Baczkowski  
B143080 People v. Iosia & Afoa  
B143097 People v. Villatoro  
B143191 People v. Montgomery Jr.  
B144032 People v. Hardman  
B144875 People v. Branch  
B144896 People v. Woundedknee  
B145242 People v. Sanchez  
B145389 People v. Murillo  
B146305 People v. Tapia  
B146351 D.C.F.S. v. Adrienne G.  
B146531 People v. Sauer  
B147522 D.C.F.S. v. Annabella H.  
B149396 Gwendolyn P. v. S.C.L.A. (D.C.F.S., rpi)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B144365     Nederlander-Greek, Inc.  
              v.  
              House of Blues Concerts, Inc., et al.

Appearances:  
James L. Arnone for respondents. Argument waived, cause submitted.

B137812     Los Angeles County, D.C.F.S.  
B139358     v.  
B141084     Susan N.  
B143058

Merits:  
Argued by Harry Zimmerman for appellant. No appearance for respondent.  
Cause submitted.

B144594     Law Offices of Sam Perlmutter et al.  
              v.  
              Neugass et al.

Merits:  
Argued by Keith A. Fink for appellants and by Susan H. Handelman &  
Bradley Brook for respondents. Cause submitted.

B140060     Martin, Jr.  
              v.  
              Davis et al.

Merits:  
Argued by Wendy Wen Yun Chang for appellant and by Charlotte E.  
Costan for respondents. Cause submitted.

B146417     Moceanu  
              v.  
              University of Southern California

Merits:  
Argued by Glenn C. Nunes for appellant and by J. Al Latham, Jr. for  
respondent. Cause submitted.

DIVISION ONE (Continued)

B139312     Schweisinger  
              v.  
              Schweisinger

Merits:

Argued by Tyna Thall Orren for appellant and by Douglas B. Foster for respondent. Cause submitted.

Spencer, P.J. leaves the bench.

B141501     20th Century Insurance Company  
              v.  
              Schurtz

Merits:

Argued by Ronald P. Schneider for appellant and by Rita Gunasekaran for respondent. Appellants' to submit letter brief by August 7, 2001.

Respondents' reply due August 21, 2001. Submission deferred to August 21, 2001.

B141897     Davidoff of Geneva, Inc., et al.  
              v.  
              Yeroushalmi et al.

Merits:

Argued by Reuben Yeroushalmi for appellants and by Kurt Weissmuller for respondents. Cause submitted.

B142865     People  
              v.  
              Brylla

Merits:

Argued by Robert S. Gerstein for appellant and by Robert M. Snider, deputy attorney general, for respondent. Cause submitted

Spencer, P.J. returns to the bench.

DIVISION ONE (Continued)

B137335      Homeside Lending, Inc., et al.  
B140456      v.  
                Canyon View Estates et al.

Merits:

Argued by Jesse S. Hernandez or Matthew K. Ross for appellant and by Thomas M. Norminton for respondents. Cause submitted.

B141804      Mosaic Semiconductor Inc., et al.  
                v.  
                Austin Semiconductor et al.

Merits:

Argued by John K. Crossman for appellants Mosaic et al. and by S. Jerome Mandel for appellants Austin et al. Cause submitted.

Spencer, P.J. leaves the bench.

B143146      Brower et al.  
                v.  
                E! Entertainment Television, Inc.

Merits:

Argued by Benjamin L. Hecht for appellants and by Kelli L. Sager for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B140673 William Little (Not for Publication)

v.

City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Boren, P.J.

Nott, J.

B146135 People (Not for Publication)

v.

Jermale F.

In re Jermale F., a Person Coming Under the Juvenile Court Law

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.

Cooper, J.

B144545 Narendara Desai (Not for Publication)

v.

Farmers Insurance Group et al.

The Law Offices of Conrado Joe Sayas, Jr., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Boren, P.J.

Cooper, J.

July 24, 2001-Continued

## DIVISION TWO (Continued)

B144413 People (Not for Publication)

V.

Johnny Robles

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B141533 People (Not for Publication)

V.

Deborah Reed

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.  
Cooper, J.

B147059 People (Not for Publication)

V.

Markeith W.

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.  
Cooper, J.

July 24, 2001-Continued

## DIVISION TWO (Continued)

B144406      People                                  (Not for Publication)  
v.  
John William McDonough

The judgment is reversed.

Todd, J.

We concur:   Nott, Acting P.J.  
                  Cooper, J.

B145863      Kim Oswald      (Not for Publication)  
v.  
John Jay Oswald

The judgment is reversed. The order denying the motion to set aside is affirmed. The order granting summary judgment is ordered modified to reflect that summary adjudication be granted as to the causes of action for rescission and an interlocutory order of partition. Each party is to bear his or her own costs and attorney fees on appeal.

Todd, J.

We concur:   Boren, P.J.  
                      Cooper, J.

DIVISION THREE

B141148 Perry Walkov et al. (Not for Publication)  
v.  
Phillips Graduate Institute

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B129728 Kathleen Melez (Not for Publication)  
v.  
James Cherry

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.  
Aldrich, J.

B146796 Zein E. Obagi, M.D., et al. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(David Daar, an individual, and Daar & Newman, a Professional Law  
Corporation, r.p.i.)

Petition denied by opinion. Costs awarded to real party in interest.

Croskey, Acting P.J.

We concur: Kitching, J.  
Aldrich, J.

B147464 20th Century Insurance Company (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Linda P. Ahles, r.p.i.)

Petition denied by opinion. Costs awarded to real party in interest.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.



DIVISION THREE (Continued)

B128157      Sierra Club et al.                      (Not for Publication)

v.

County of Los Angeles et al.

Soka University of America

The judgment denying the petition for writ is reversed and the matter is remanded to the trial court with directions to grant the petition for a peremptory writ mandate (1) vacating the county's approval of the project, including all land use plan amendments, zoning changes, and discretionary permits issued in connection with the proposed development, and its certification of the final EIR; (2) specifying the actions necessary for the county to comply with CEQA as stated in this opinion ( § 21168.9,subd. (b)); and (3) enjoining all project activities that could result in an adverse physical change until the county fully complies with CEQA ( § 21168.9), subd. (a)(2). Sierra Club shall recover its costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                  Kitching, J.

B147470      Dayco Productions, Inc.                      (Not for Publication)

v.

Superior Court, Los Angeles County

(Whirlpool Corporation, Omega Products, Inc., and Circuit City Stores, Inc., r.p.i.)

The alternative writ hereto issued February 7, 2001, is discharged. The petition for writ of coram vobis is denied. Real parties in interest are awarded their costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                  Aldrich, J.

### DIVISION THREE (Continued)

B139258      Arthur Hanson      (Not for Publication)  
v.  
Eduardo Yanes et al.

The appeal from the October 29, 1998, order expunging lis pendens is dismissed. The judgment of January 28, 2000, is affirmed. Hanson and attorney Carlson are to pay to Yanes the total sum of \$11,159.31, which sum includes sanctions, attorney fees and costs on appeal. The clerk of this court is order to forward a copy of this opinion to the State Bar of California. Attorney Carlson is ordered to forward a copy of this opinion to the State Bar of California within 15 days of service of this opinion. (Bus. & Prof. Code, sec 6086.7 subd.(c), 6-68, subd. (0)(3); Caro v. Smith (1997) 59 Cal.App.4th 725, 740; Pierotti v. Torian, supra, 81 Cal.App.4th at pp.37-38.)

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                    Kitching, J.

B137013      People      (Not for Publication)  
v.  
Williams

The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment which amends only section "4." thereof so that it does not reflect that appellant was sentenced to prison for an indeterminate term of life without the possibility of parole on count three, but does reflect that appellant was sentenced to prison for life on count three. The trial court is further ordered to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.  
Fidler, J. (Assigned)

## DIVISION FOUR

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B143003      Sherman Way Townhomes, Inc.    (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Twarowski, r.p.i.)

The peremptory writ of mandate is granted, and the trial court is directed to vacate its May 25, 2000, order overruling petitioners' demurrer, and to enter a new order sustaining petitioners' demurrer without leave to amend. The temporary stay shall terminate when this decision becomes final as to this court. Petitioners are awarded their costs.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B142996 Palmer (Not for Publication)  
v.  
Hokanson

The order of the family court is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B144531      Mobley                                      (Certified for Publication)  
v.  
Los Angeles Unified School District et al.

The judgment is affirmed as to LAUSD and the individual respondents Rascoe, Curtis, Tang-Wong, and Macey. These respondents are entitled to their costs on appeal from appellant. The judgment is reversed as to respondent DLSE only. Appellant is entitled to his costs on appeal from DLSE.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B142807      Rockwell                                      (Not for Publication)  
v.  
Notrica, Inc.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B143843      Blatt    (Not for Publication)  
v.  
Borland

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION SIX

B144220      Cliff View Terrace, Inc.      (Not for Publication)  
v.  
Montenegro

The order denying the motion to strike CVT's complaint is affirmed. The appeal from the order awarding attorney's fees is dismissed without prejudice. CVT is awarded costs and reasonable attorney's fees on appeal in an amount to be determined by the trial court. (*Church of Scientology v. Wollersheim, supra*, 42 Cal.App.4th at pp. 659-660; *Bradbury v. Superior Court, supra*, 49 Cal.App.4th at p. 1119.)

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

[illegible]

The judgment is affirmed. Each party shall bear his or her own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B140858 People (Not for Publication)  
v.  
Dabney

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

DIVISION SEVEN

B139304     Marshall Wittkopf                    (Certified for Publication)  
                 v.  
                 County of Los Angeles

The judgment is affirmed as to the claim for discriminatory refusal to reinstate Wittkopf in 1995. In all other respects, the judgment is reversed. Wittkopf is awarded his costs on appeal.

Boland, J. (Assigned)

We concur:   Johnson, Acting P.J.  
                 Woods, J.

B137370     People  
                 v.  
                 Portillo

Filed order denying petition for rehearing.

B144152     People  
                 v.  
                 Valenzuela

Filed order granting petition for rehearing.